

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BRANDY BRAYTON,

Plaintiff,

-v.-

Civil Action No.
1:08-cv-236 (GLS/VEB)

MICHAEL J. ASTRUE, COMMISSIONER
OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Office of Stephen J. Mastaitis, Jr.
1412 Route 9P
Saratoga Springs, New York 12866

STEPHEN J. MASTAITIS, JR.,
ESQ.

FOR THE DEFENDANT:

Social Security Administration
Office of Regional General Counsel
Region II
26 Federal Plaza - Room 3904
New York, New York 10278

MARIA P. FRAGASSI SANTANGELOS,
ESQ.

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Victor E. Bianchini, duly filed August 24, 2009. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

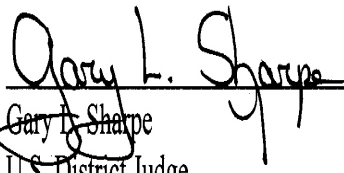
ORDERED, that the Report-Recommendation of Magistrate Judge Victor E. Bianchini filed August 24, 2009 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the Defendant's Motion for Judgment on the Pleadings is GRANTED, that Plaintiff's Motion for Judgment on the Pleadings is DENIED, and that the decision of the Commissioner is AFFIRMED, and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of the Defendant and close this case.

IT IS SO ORDERED

Dated: September 11, 2009
Albany, New York



Gary L. Sharpe
U.S. District Judge